

MINUTES

REAL ESTATE APPRAISER LICENSURE AND CERTIFICATION BOARD

Thursday, March 13, 2008
8:30 a.m.

Indiana Government Center-South
402 West Washington Street Room W064
Indianapolis, Indiana 46204

Mr. Traynor called the meeting to order at 9:40 a.m. in Room W064 of the Indiana Government Center-South, 402 West Washington Street, Indianapolis, Indiana, and declared a quorum, in accordance with IC § 25-34.1-8-4.

Members Present:

Joe Traynor, Chairman
Wayne Johnson, Vice Chairman
Terry Watson, Appraiser Member
Lowell K. Griffin, Appraiser Member
John Newlin, Appraiser Member

Members Absent:

James Lewis, Consumer Member
Liz Stoll, Lender Member

State Officials Present:

Nicholas Rhoad, Director Indiana Real Estate Commission
Pat Price, Assistant Board Director, Indiana Professional Licensing Agency
Davis Moore, Litigation Specialist
Jim Schmidt, Deputy Attorney General

I. ADOPTION OF MINUTES FROM February 14, 2008

A motion was made and seconded to approve the minutes from February 14, 2008
Griffin / Watson
Motion Carried
5-0-0

II. REPORT FROM THE INDIANA ATTORNEY GENERAL'S OFFICE

Ms. Owens provided a report on the number of administrative and consumer complaints.

III. OLD/NEW BUSINESS

- A) AQB Guide Note Changes to USPAP CE Schedule
The Board held a discussion on how to implement the proposed AQB Guide Note concerning possible changes to the USPAP schedule.
- B) Previously Approved Continuing Education Courses
The Board decided that any previously approved continuing education course approved for seven hours or less would not need to reapply for approval.

- C) Trainee Exam – transition to AQB approved
A motion was made and seconded to transition the Trainee exam from the current non-AQB approved to the AQB approved exam.
- Johnson / Newlin
Motion Carried
5-0-0
- D) Reciprocal Agreement update
Mr. Rhoad provided an update on the current status of the reciprocal agreement invitations
- E) ASC USPAP Update
- F) ASC Update
Mr. Rhoad provided an update on the ASC field review
- G) Types of Appraisals permitted by license types – Lowell
A motion was made and seconded to approve Mr. Griffin's list of appraisals permitted by license type
- H) Settlement Conferences
The Board was informed that The Attorney General's office will now be scheduling settlement conferences
- I) Administrative Law Judges
The Board decided that administrative law judges can be used for licensees petitioning to come off of probation.
- J) Review of administrative complaints by Board members prior to filing with PLA
No discussion was held on this matter
- K) New Checklist and Qualifying Education courses transition from 2007 to 2008 requirements - Lowell
Lowell presented a new checklist for QE courses to transition from 2007 to 2008.
- L) Approved list of review appraisers – Joe
Mr. Traynor reported that he is working with the Attorney General's office on developing a list of requirements for review appraisers.
- M) Indiana License Law Update Requirement
A motion was made and seconded to promulgate rules to remove the requirement that licensees take a four hour Indiana License Law update to renew their license.
- Newlin / Johnson
Motion Carried
5-0-0
- N) AQB Cut score determination
The Board was informed the AQB cut score has been determined and applicants are now receiving their exam results at the test centers.
- O) Update on LSA #07-881
An update was provided to the Board on LSA #07-881
- P) Update on LSA #07-335
An update was provided to the Board on LSA #07-335
- Q) Update on LSA #07-744
An update was provided to the Board on LSA #07-744
- R) Legislative Update
An update was provided to the Board on legislative changes from the 2008 Session

IV. STATUS OF LICENSEES ON PROBATION

- A) The Board was provided with a report on the current status of licensees on Probation.

V. DELIBERATIONS AND POSSIBLE ISSUANCES OF FINAL ORDER

A) State of Indiana v. Harry Leffler

REAB 02-22

Re: Petition for withdrawal of Probation

A motion was made and seconded to grant the Petition for withdrawal of Probation

Griffin / Watson

Motion Carried

5-0-0

B) State of Indiana v. Bryan K. Bernardi

REAB 07-56

Re: Proposed Findings of Fact, Conclusions of Law, and Order

The Board was unable to take action on the Proposed Findings of Fact, Conclusions of Law, and Order due to the Attorney General's Office lack of signature on the agreement. Advisory counsel stated that the agreement must be signed by both the Respondent and the Attorney General's office before the Board can take action. The Board was further advised that a resolution to the issue of whether or not the Attorney General's office must sign settlement agreements was being sought within the Attorney General's office.

C) State of Indiana v. Kevin M. Handley

REAB 07-66

Re: Proposed Findings of Fact, Conclusions of Law, and Order

The Board was unable to take action on the Proposed Findings of Fact, Conclusions of Law, and Order due to the Attorney General's Office lack of signature on the agreement. Advisory counsel stated that the agreement must be signed by both the Respondent and the Attorney General's office before the Board can take action. The Board was further advised that a resolution to the issue of whether or not the Attorney General's office must sign settlement agreements was being sought within the Attorney General's office.

D) State of Indiana v. Michael D. Schmidt

REAB 07-32

Re: Proposed Findings of Fact, Conclusions of Law, and Order

The Board was unable to take action on the Proposed Findings of Fact, Conclusions of Law, and Order due to the Attorney General's Office lack of signature on the agreement. Advisory counsel stated that the agreement must be signed by both the Respondent and the Attorney General's office before the Board can take action. The Board was further advised that a resolution to the issue of whether or not the Attorney General's office must sign settlement agreements was being sought within the Attorney General's office.

E) State of Indiana v. Sharon Williams

REAB 07-72

Re: Proposed Findings of Fact, Conclusions of Law, and Order

The Board was unable to take action on the Proposed Findings of Fact, Conclusions of Law, and Order due to the Attorney General's Office lack of signature on the agreement. Advisory counsel stated that the agreement must be signed by both the Respondent and the Attorney General's office before the Board can take action. The Board was further advised that a resolution to the issue of whether or not the Attorney General's office must sign settlement agreements was being sought within the Attorney General's office.

F) State of Indiana v. Phillip Anderson

REAB 07-57

Re: Proposed Findings of Fact, Conclusions of Law, and Order

The Board was unable to take action on the Proposed Findings of Fact, Conclusions of Law, and Order due to the Attorney General's Office lack of signature on the agreement. Advisory counsel stated that the agreement must be signed by both the Respondent and the Attorney General's office before the Board can take action. The Board was further advised that a resolution to the issue of whether or not the Attorney General's office must sign settlement agreements was being sought within the Attorney General's office.

G) State of Indiana v. Corey Camphor

REAB 07-68

Re: Proposed Findings of Fact, Conclusions of Law, and Order

A motion was made and seconded to approve the Proposed Findings of Fact, Conclusions of Law, and Order.

Newlin / Johnson

Motion Carried

4-0-1

H) State of Indiana v. Ronald Sipe

REAB 07-74

Re: Proposed Findings of Fact, Conclusions of Law, and Order

The Board was unable to take action on the Proposed Findings of Fact, Conclusions of Law, and Order due to the Attorney General's Office lack of signature on the agreement. Advisory counsel stated that the agreement must be signed by both the Respondent and the Attorney General's office before the Board can take action. The Board was further advised that a resolution to the issue of whether or not the Attorney General's office must sign settlement agreements was being sought within the Attorney General's office.

I) State of Indiana v. Curtis Friend

REAB 07-86

Re: Motion for Dismissal

A motion was made and seconded to accept the Motion for Dismissal.

Johnson / Newlin

Motion Carried

4-0-1

J) State of Indiana v. Paul E. Rieth

REAB 07-83

Re: Motion for Dismissal

A motion was made and seconded to accept the Motion for Dismissal.

Johnson / Newlin

Motion Carried

4-0-1

K) State of Indiana v. Jacob D. Kirkpatrick

REAB 07-28

Re: Motion for Dismissal

A motion was made and seconded to accept the Motion for Dismissal.

Johnson / Newlin

Motion Carried

4-0-1

L) State of Indiana v. Julie Walther-King

REAB 08-02

Re: Motion for Dismissal

A motion was made and seconded to accept the Motion for Dismissal.

Johnson / Newlin

Motion Carried

4-0-1

M) State of Indiana v. Staci Ostendorph

Re: Motion for Dismissal

A motion was made and seconded to accept the Motion for Dismissal.

Johnson / Newlin

Motion Carried

4-0-1

VI. DEFAULT HEARINGS

A) State of Indiana v. John Anderson

REAB 07-62

Re: Default Hearing and Possible Issuance of Final Order

A motion was made and seconded to find the Respondent in Default

Johnson / Newlin

Motion Carried

5-0-0

A motion was made and seconded to Suspend the Respondent's license

Griffin / Newlin

Motion Carried

5-0-0

VII. REINSTATEMENT HEARINGS

A) State of Indiana v. Glen Abels

REAB 06-27

Re: Petition for removal of Probation

A motion was made and seconded to grant the Petition for removal of Probation

Griffin / Johnson

Motion Carried

5-0-0

B) State of Indiana v. Robert Knecht

REAB 06-29

Re: Petition for removal of Probation

A motion was made and seconded to grant the Petition for removal of Probation
Newlin / Griffin
Motion Carried
5-0-0

C) State of Indiana v. Ann Putman

REAB 06-75

Re: Petition for removal of Probation

A motion was made and seconded to grant the Petition for removal of Probation
Griffin / Johnson
Motion Carried
5-0-0

D) State of Indiana v. Christopher Marlow

REAB 06-91

Re: Petition for removal of Probation

A motion was made and seconded to grant the Petition for removal of Probation
Griffin / Johnson
Motion Carried
4-0-1
Mr. Newlin Abstained

VIII. DISCIPLINARY HEARINGS

A) State of Indiana v. Corey J. Camphor

REAB 06-57

Re: Notice of Show cause and possible issuance and deliberation of final orders

No action was taken on this matter due to the approved settlement agreement.

B) State of Indiana v. Betty Jane Wilson

REAB 06-95

Re: Notice of Show cause and possible issuance and deliberation of final orders

A motion was made and seconded to issue a Notice of Proposed Default
Watson / Griffin
Motion Carried
5-0-0

C) State of Indiana v. Ryan Cottongim

REAB 07-19

Re: Notice of Show cause and possible issuance and deliberation of final orders

A motion was made and seconded to issue a Notice of Proposed Default
Watson / Griffin
Motion Carried
5-0-0

D) State of Indiana v. Ryan Fouse

REAB 07-65

Re: Disciplinary Hearing

A motion was made and seconded to issue a Notice of Proposed Default
Griffin / Johnson
Motion Carried
5-0-0

E) State of Indiana v. Michael Thomas Asher

REAB 08-06

Re: Disciplinary Hearing

A motion was made and seconded to issue a Notice of Proposed Default
Watson / Griffin
Motion Carried
4-0-1
Mr. Newlin Abstained

F) State of Indiana v. Shirley Kiel

REAB 08-05

Re: Disciplinary Hearing

G) State of Indiana v. Rhonda Hodson

REAB 08-03

Re: Disciplinary Hearing

A motion was made and seconded to issue a Notice of Proposed Default
Griffin / Johnson
Motion Carried
5-0-0

H) State of Indiana v. Larry Burks

REAB 07-55

Re: Disciplinary Hearing

A motion was made and seconded to issue a Notice of Proposed Default
Griffin / Johnson
Motion Carried
5-0-0

I) State of Indiana v. Martha Payton*

REAB 07-60

Re: Disciplinary Hearing

No hearing was held in this matter due to a pending settlement agreement

J) State of Indiana v. Staci Ostendorf*

REAB 07-85

Re: Disciplinary Hearing

No hearing was held in this matter due to the Motion for Voluntary Dismissal

K) State of Indiana v. Daniel Beckham*

REAB 08-04

Re: Disciplinary Hearing

No hearing was held in this matter due to a pending settlement agreement

L) State of Indiana v. Michael Hughes*

REAB 08-08

Re: Disciplinary Hearing

A motion was made and seconded to issue a Notice of Proposed Default
Griffin / Johnson
Motion Carried
5-0-0

M) State of Indiana v. Arthur Fenn*

REAB 08-09

Re: Disciplinary Hearing

No hearing was held in this matter due to a pending settlement agreement

N) State of Indiana v. Lisa Phillips*

REAB 08-07

Re: Disciplinary Hearing

No hearing was held in this matter due to a pending settlement agreement

O) State of Indiana v. Michael Shane Nikirk*

REAB 07-70

Re: Disciplinary Hearing

No hearing was held in this matter due to a pending settlement agreement

IX. COSTS

A) State of Indiana v. Travis Sparks

REAB 07-17

Re: Approval of Costs

A motion was made and seconded to approve the cost in State of Indiana v. Travis Sparks
Newlin / Johnson
Motion Carried
5--0

XI. APPLICATION REVIEW

A) Licensed Residential

1. Phyllis Tucker

2. Mark D. Hollander

A motion was made and seconded to approve the Licensed Residential Applications listed above.

Johnson / Watson
Motion Carried
5-0-0

B) Certified Residential

1. Gavin Curd A
Johnson / Watson
Motion Carried
5-0-0
2. Taylor Curd A
Johnson / Watson
Motion Carried
5-0-0
3. PJ Humphrie – petition for ALJ Review
A motion was made and seconded to grant Mr. Humphries's request for an ALJ review of his application denial and appoint Mr. Brian Conley as the Administrative Law Judge.
Griffin / Newlin
Motion Carried
5-0-0

C) Certified General

D) Temporary Permits

1. **See attached sheets**
2. **Patrick Callison**

A motion was made and seconded to approve the Temporary Practice Permits pending Mr. Griffin's review.

Johnson / Newlin
Motion Carried
5-0-0

E) Education Review

I. National Association of Independent Fee Appraisers (NAIFA)

- a. 4.6A Reviewing Residential Appraisals 7.0
- b. 4.6B Advanced Reviewing Techniques 7.0
- c. 1.5C Residential Analysis for Small Income Property Appraisals 7.0
- d. 16.2 The Appraisal of Foreclosure Properties 7.0

A motion was made and seconded to approve the continuing education courses of NAIFA
Griffin / Johnson
Motion Carried
5-0-0

XII. Adjournment

A motion was made and seconded to adjourn the meeting at 5:32 p.m.
Johnson / Watson
Motion Carried
5-0-0

Joseph A. Traynor, Chairman

Date